

UNITED STATES DISTRICT COURT

for the
Southern District of West Virginia

OCT 29 2013

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

U.S. Postal Service Global Express Mail Package
"EJ335693022ES"

Case No. 2:13-mj-000103

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

U.S. Postal Service Global Express Mail Package "EJ335693022ES" in USPIS custody in Charleston, WV

located in the Southern District of West Virginia, there is now concealed (identify the person or describe the property to be seized):

Controlled substances and/or proceeds of drug trafficking

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
21 U.S.C. Section 846

Offense Description
Conspiracy to distribute a controlled substance

The application is based on these facts:

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

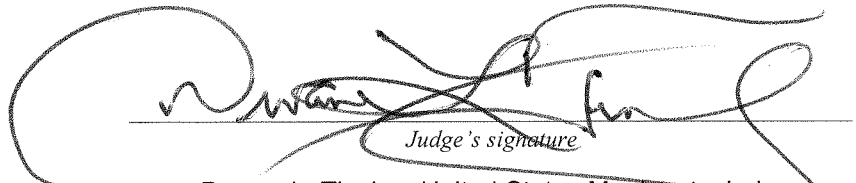

Applicant's signature

Robert DiDomenico, United States Postal Inspector
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/28/2013

City and state: Charleston, West Virginia


Judge's signature
Dwane L. Tinsley, United States Magistrate Judge
Printed name and title

A F F I D A V I T

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to-wit:

I, Robert DiDomenico, being duly sworn, hereby depose and state as follows:

1. I am a United States Postal Inspector and have been so employed since September 21, 2012. I am presently assigned to Charleston, West Virginia. Part of my duties include investigating narcotics sent through the U.S. Mail. My background in law enforcement is the completion of the United States Postal Inspector Academy in September 2012 (a 12-week program). Prior to this, I was previously deployed in Iraq as a First Lieutenant, a platoon leader and a Blackhawk helicopter pilot. I am a college graduate of Virginia Military Institute;

2. This affidavit is made in support of an application for a search warrant to search the contents of a U.S. Postal Service Global Express Mail Package "EJ335693022ES" with a return address of Paul Gray, C. Foranell, Riudoms, Spain 43330, and a delivery address of James Dunne, P.O. Box 7836 Cross Lanes, WV 25313. (hereinafter referred to as the "SUBJECT PARCEL"). The SUBJECT PARCEL is a Global Express Mail Package bearing a hand-written Express Mail Label, weighing approximately 21 pounds 13 ounces. SUBJECT PARCEL was mailed on October 11, 2013 from Spain with an arrival date of October 15,

2013. The SUBJECT PARCEL is presently located at 1002 Lee St., Charleston, WV 25301;

3. The information contained in this affidavit is based on information I have gained from my investigation, my personal observations, my training and experience, and information related to me by other law enforcement agents and witnesses;

4. Drug trafficking background gained over the years has shown that drug dealers and drug traffickers utilize the United States Postal Service for shipping controlled substances, including but not limited to cocaine, heroin, marijuana, methamphetamine and synthetic narcotics. The use of Express Mail, Priority Mail and First Class Mail are favored because of the reliability, anonymity, speed, minimal cost, and ability to track the mail piece;

5. From my experience, training, and knowledge of drug shipments through the United States Mail I am aware that drug traffickers frequently use fictitious names and addresses on the return address portion of the mailing label both to remain anonymous and avoid detection. Some return addresses have been found to be legitimate addresses, but the actual resident at those locations is either fictitious or non-existent. I am also aware that the address of the person that the mail piece is addressed to is generally not fictitious because a valid address is necessary for the package to be delivered. However, at times

the true name of the addressee may be altered or ignored in favor of an alias or code name to better disguise their identity from law enforcement;

BACKGROUND OF INVESTIGATION

6. On or about October 7, 2013, Brian Wong rented P.O. Box 7836 at the Cross Lanes Post Office in Cross Lanes, WV. Wong told USPS employees he recently moved to Cross Lanes from Florida. Shortly after renting P.O. Box 7836, Wong began mailing out a large number of Priority flats. Often the number ranged from 30 to 50 pieces per day. A review of the Priority Mail parcels revealed that, rather than using his own name and address on the packages, Wong listed the sender and return address as "Ron Jensen, 3341 Wayfield Dr. Ste 3, Johnson City, TN." Additionally, Wong sent out Collect On Delivery (COD) parcels which ranged in price from \$300 - \$1400 each. The COD packages listed the return addressee as "James Dunne" and Wong's address at P.O. Box 7836 Cross Lanes, WV 25313." Post Office records do not have a "James Dunne" associated with Wong's P.O. Box;

7. Your affiant made inquiries with an electronic database that has proven reliable in previous investigations in determining the legitimacy of name, address, and phone number information, concerning the return address of Ron Jensen, 3341

Wayfield Dr. Ste 3, Johnson City, TN 37601. The database revealed the address did not exist;

8 On October 10, 2013, Postal Inspectors identified one Priority Mail parcel sent by Brian Wong with USPS Tracking number 9405 4102 0088 2924 3061 94 as having a local address of 1621 Virginia St. E, Apt 10, Charleston, WV. Postal Inspectors interviewed the recipient of the package and received consent to open Priority Mail parcel 9405 5102 0088 2924 3061 94. The package contained eight small black bags labeled "Afghan Black Ultra." The recipient told Postal Inspectors the package contained synthetic marijuana, also known as K2 or spice. The customer stated he ordered the synthetic marijuana online at am-hi-co.com and had to send a Postal Money Order to Florida before he could receive the product;

9. On October 11, 2013, Postal Inspectors observed Brian Wong mail additional packages at the Cross Lanes Post Office and interviewed him. Wong advised that he moved to Cross Lanes from Florida to ship packages for \$1,200.00 a week. Wong stated he suspected what he was sending was illegal. Wong stated Mike Farmer supplied him the products he shipped through the U.S. Mail. Wong stated Farmer received the products from overseas;

10. On October 11, 2013, Postal Inspectors interviewed Mike Farmer. Farmer stated \$1,250.00 was deposited each week into his bank account from an unknown source for mailing out bath salts

and synthetic marijuana in packages. Farmer stated he worked for www.am-hi-co.com and was in the process of leaving the business and turning it over to Brian Wong. Farmer stated he knew people smoked the synthetic marijuana and bath salts he sent through the U.S. Mail. Farmer stated the products came to him from overseas and then he shipped them out across the United States. Farmer stated he was instructed by his overseas contacts to use fake names associated with the mailings;

11. On October 15, 2013, Postal Inspectors were notified the SUBJECT PARCEL was at the Cross Lanes Post Office addressed to James Dunne with Brian Wong's P.O. Box address. The SUBJECT PARCEL was mailed from Spain on October 11, 2013;

12. Based on his knowledge, training, and experience, your affiant knows that "synthetic marijuana" and "bath salts" are words used to describe a variety of chemicals specifically designed to replicate the pharmacological effects of various controlled substances. In recent years, federal, state, and local authorities have passed laws and regulations that have brought some of these substances within the list of controlled substances or otherwise making their possession, use, and distribution illegal. Some of the substances fall within the definition of "controlled substance analogue" pursuant to 21 U.S.C. § 802(32) and are treated as any other controlled

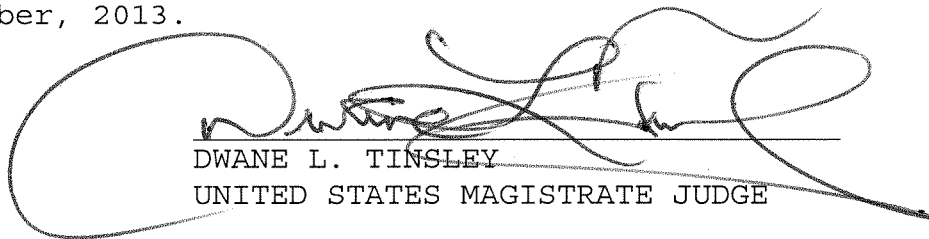
substances for purposes of the Controlled Substances Act pursuant to 21 U.S.C. § 813;

12. Based on the information contained herein, your affiant maintains there is probable cause to believe that the U.S. Postal Service Global Express Mail Package "EJ335693022ES" contains controlled substances, controlled substance analogues, substances prohibited under state or local laws, and/or proceeds which are evidence thereof, and/or contraband, in violation of Title 21, United States Code, Sections 841(a)(1) and 843(b).

Further your affiant sayeth naught.


ROBERT A. DIDOMENICO
POSTAL INSPECTOR

Sworn to before me, and subscribed in my presence, this
28th day of October, 2013.


DWANE L. TINSLEY
UNITED STATES MAGISTRATE JUDGE